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EPA FOR INTERNATIONAL - METCALF  
USDA FOR FAS/ICD/RSED  
AMMAN FOR ESTH - BHALLA  
PARIS FOR USOECD

E.O. 12958: N/A  
TAGS: [SENV](#) [ENRG](#) [TBIO](#) [IS](#)  
SUBJECT: GOI SEEKS ENVIRONMENTAL LAW ASSISTANCE.

Ref: (A)08 Tel Aviv 1845 (B)08 Tel Aviv 2586

Action request: See para 9.

11. (SBU) Summary. Post Econ Counselor received a written request from GOI Ministry for Environmental Protection (MEP) Director General for assistance in upgrading Israel's environmental law enforcement capabilities. New civil law procedures could reinforce existing mechanisms which rely chiefly on administrative orders and, failing that, cumbersome criminal prosecution. MEP believes civil proceedings would offer a wider array of enforcement tools and result in greater compliance with recently upgraded environmental protection legislation. The DG also offered a survey of priority MEP issues and challenges facing the new Israeli government. Comment: This request comes in the context of Israeli efforts to upgrade environmental management to comply with OECD standards for membership; post recommends the USG respond to the request favorably and quickly. End Summary.

#### Looking for New Alternatives

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12. (SBU) Until recently, Israel has pursued environmental protection with relatively few laws and few enforcement mechanisms. Last year's spate of new, stronger laws (ref A) made headlines because it evidenced the maturing of Israel's numerous, competing environmental NGOs into a lobby of groups able to achieve legislative and political objectives. The new legislation includes laws installing a Clean Air Act, stronger sanctions on corporate polluters, strengthened individual accountability, and a "polluter pays" principle. Enforcement has only been through administrative orders, however, which MEP officials concede have resulted in mixed compliance. The alternative has been criminal indictments for environmental offenses, which have been pursued infrequently by the ministry, and in which courts have been reticent to find criminal intent in private sector pollution, much less in the pollution caused by public utilities and agencies. (Some NGOs claim Israel's military (IDF) is one of the greatest polluters in the country.) The lethargy of the criminal court structure also offered little deterrence to industrial polluters.

13. (SBU) On July 7, post EconCouns and ESTH officer met with Yossi Inbar, the recently confirmed Director General of the MEP for a update on the new government's objectives on environmental issues. Inbar used the occasion to present a written request from the Ministry's legal advisor to the USG for a workshop on how to implement civil environmental proceedings as a means of pursuing compliance. This prospective training would clarify issues such as determining civil versus criminal pursuit, establishing the burden

of proof, judicial review, and handling out-of-court settlements, among other matters. Post will fax the paper received to the Department.

¶4. (SBU) Embassy officers welcomed the request, pointing out that legal seminars on environmental law enforcement have been offered in many countries by US officials from EPA, Justice and other agencies, and this request would be conveyed to Washington. When asked about timing for this training, Inbar noted Israel's endeavors to upgrade its environmental performance closer to that of the countries in the OECD, implying the near term (see para 8).

#### The Objectives for the Government

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¶5. (SBU) Inbar sketched out the plans he and new MEP Minister Gilad Erdan have for the coming years. MEP is one of the youngest (20 years old), smallest (scarcely 500 employees), and least funded agencies of the Israeli government. (Note: Its FY2009 budget is only 200 million Israeli Shekels (USD 50 million) and the projection for FY2010 is only slightly higher.) Despite these handicaps, the ministry has extensive responsibilities, including environmental law enforcement, land and maritime ecology surveillance, supervision of hazardous materials at the industrial level, and oversight of all national parklands through the Israel Nature and Parks Authority. These tasks are now augmented by new legislation that requires more enforcement action. Minister Erdan told the press that implementing the new Clean Air Act by 2011 will require 80 million NIS in supplemental funding and additional hiring authority.

¶6. (U) Aside from fighting for more funding for enforcement, the Ministry plans to tighten regulation on packaging, with the goal of recycling 70 percent of domestic use glass and 60 percent of

plastics. Recycling throughout Israel should be improved, he observed, but this will require assisting the local authorities who have responsibility for solid waste issues in their communities. Inbar complimented the U.S. private sector for responding to the needs of American municipalities, and asked whether US companies (e.g. BFI, Waste Management, etc.) would be interested in working in Israel.

¶7. (SBU) Inbar noted that MEP is also the chief interlocutor for the GOI on Climate Change, and is responsible for issuing air quality permits. MEP has inventoried 150 point sources of emissions, and Inbar said Israel is preparing for CO2 emissions limits following IPCC recommendations. (Note: Although a signatory of the Kyoto Protocol, Israel has had no emissions reduction target because it is listed as a Schedule II country. End note.) Public education will be key, he noted, in coping with the costs and constraints this may create.

¶8. (SBU) One clear objective Inbar noted was to prepare Israel for OECD membership. Inbar said that one of Israel's weakest points in its OECD accession discussions has been at the Environmental Policy Committee. After two visits to Israel by an EPC team earlier this year, he anticipates an October EPC meeting in Paris will help settle some issues.

¶9. (SBU) Action request: Post understands the MEP request for legal advising to be part of Israel's efforts to improve its environmental law enforcement as part of its OECD accession criteria. In this light, we believe assistance in the near term (coming Autumn/Winter) would be most helpful to the GOI. The GOI request also builds on the intent expressed during the visit to Israel of then-EPA Administrator Stephen Johnson last October, when both countries said they hope to deepen cooperation on environmental issues (Ref B). Post recommends the Department, in coordination with EPA and Justice, respond favorably to this request for legal training.

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